REMARKS

This amendment is filed in response to the Office Action dated January 5, 2005. Claims 1-18 are pending. In the Office Action of January 5, 2005, the Examiner rejected claims 1-18 under 35 U.S.C. § 112. The Examiner also rejected claims 1-2, 5-8, 11-14, and 17-18 under 35 U.S.C. § 103(a) as being unpatentable over Decker, U.S. Patent 6,704,806 in view of AAPA (Applicant's admitted prior art), further in view of Gregerson et al., U.S. Patent 5,526,358 ("Gregerson"); and rejected claims 3-4, 9-10, and 15-16 under 35 U.S.C. § 103(a) as being unpatentable over Decker, AAPA and Gregerson, further in view of Meth, U.S. PG Pub 2002/0087916.

By this amendment, claims 1 and 13 are amended to more particularly and distinctly claim the invention. The Examiner's prior art rejections are respectfully traversed on the basis that the references fail to disclose the specific process monitoring claimed, including, in combination, a parent process monitoring a child process that executes an application; the child process monitoring the parent application, for example, using polling; and the creation of a new child (grandchild) process by the existing child, if the parent process dies. The Examiner's rejections under § 112 are traversed in light of the remarks and amendments.

Claims 1-18 Are Definite

The Examiner rejected claims 1-18 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter. According to the Examiner, it is uncertain how "the first process is still executing" when "the first process ending execution of the application when the second process is created." In addition, the Examiner asserts it is uncertain whether the creation of the third process is a result of "determining that the first processes is no longer executing."

In response to the Examiner's rejection, independent claims 1 and 13 are amended to specifically indicate that the second process creates the third process in response to determining the first process is no longer executing. Independent claim 7 already clearly indicates that the third process is created in response to determining the first process is no longer executing.

With respect to the Examiner's assertion that it is uncertain how the first process is still executing when the first process ends execution of the application, the Examiner apparently has confused the execution of the process with the execution of the application. A process itself may still be executing even though the process is not executing "the" application. As specified in the claims, the first process itself continues to execute, although the application is executed in the second process. For example, as described in the specification, process A 102 creates process B 104, which executes the application. After process B 104 is executing the application, process A 102 executes to monitor process B 104. So, even though process A 102 is not executing "the" application, process A 102 is executing, for example, to monitor process B 104 and take appropriate action if process B 104 fails abnormally. See page 4, lines 17 through page 5, line 10.

In light of the amendment and the clarifying remarks, Applicant submits that the rejection under section 112 is overcome.

Claim 1-18 Are Patentable Over The Prior Art

The Examiner rejected all the claims as being unpatentable under section 103 over Decker, AAPA, and further in view of Gregerson. Additionally, some claims were rejected under section 103 with the addition of Meth. In particular, the Examiner asserts that Decker teaches the invention substantially as claimed including the steps of: running a first process that executes an application; the first process creating a second process, wherein the second process executes the application; the second process creating a third process, wherein the third process executes the application. The Examiner notes that Decker does not specifically teach the first/second process ending execution of the application when the second/third process is created, wherein the first/second process receives a signal indicating death of the second/third process, if the first/second process stops executing. Then, apparently with hindsight provided by the present invention, the Examiner combines Decker and Gregerson and suggests that the combination makes the present invention obvious.

Applicant respectfully traverses the rejection of the Examiner. The combination hypothesized by the Examiner still fails to disclose all the elements of independent

claims 1, 7 and 13, as specified, including the dependence on activity in one process to determine whether a new process is created. More specifically, the references, considered separately, or in combination, fail to disclose the specific process monitoring claimed, including, in combination, a parent process (first process) monitoring a child process (second process) executing an application, the child process monitoring the parent process using, for example, polling, and the creation of a new child or grandchild process (third process) by the existing child (second process), if the parent process (first process) dies.

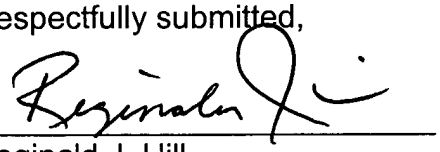
While parent child process initiation is known (Decker/AAPA) and polling is known (Gregerson), a mere random combination of the two does not result in the present invention. Independent claims 1, 7 and 13 require specific timing for the creation of processes, depending on certain events and state. In addition, polling is quite specific to the hierarchy of processes and the states associated with the same. The combination arrived at by the Examiner does not provide specificity for the claimed steps.

Therefore, claims 1, 7 and 13 are patentable over the prior art. The claims dependent upon claims 1, 7 and 13 are patentable for at least the reasons given for claims 1, 7 and 13.

CONCLUSION

All claims are in condition for allowance. Allowance at an early date is solicited.

Respectfully submitted,



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